

# **GDPR- the new General Data Protection Regulations**

Staff PDM- 2<sup>nd</sup> May 2018

# What, when, how...

- It will supersede the Data Protection Act 1998. It sets out new regulations about the sharing of personal data as well as the management and storage of it.
- It was passed in 2016, but comes into force 25<sup>th</sup> May 2018.
- Every business, including schools must be compliant by this date. Failure to do so could result in fines by the ICO.

# Data Controllers and Data Processors

- **Data controllers**= businesses who control data-storing it and likely to be sharing it with third parties. The controller says how and why personal data is processed.
- **Data processors**= anyone we share our data with who stores our data.

**As a school, we are a data controller.**

**Both are responsible for protecting personal data**

# Data sharing agreements

We need to have **data sharing agreements** with any third parties (data processors) so that we know how they are keeping our data safe, how they are using our data and who they are sharing it with (if at all).

**We are collecting these together currently.**

# Data mapping

We need to know what data we have stored at school for:

Children

Parents

Staff

Governors

Visitors

Volunteers

**We need to be able to explain how we store this data and who we share it with.**

**Our data mapping is well underway, we will have a look at this later...**

# Privacy notices

- Privacy notices explain to parents and the workforce what data the school collects on them and who this information is shared with.
- These are live documents and will need regular updating. There are copies on the school website. These will be updated further once the mapping is completed.

# Consent

If the data is needed for a lawful basis, then **consent is not needed**. However if it is not for a lawful reason, then **consent is needed**.

**Example:** You **do not** need consent for storing information on a child's health.

You **do** need consent if you wish to publish a child's photo.

# Withdrawal of consent and the right to be forgotten

- It should be as easy to withdraw consent as it was to give it.
- Everyone has a right to be forgotten i.e. For their data to be erased when no longer needed.



# Data Breaches

Data breaches could include:

- Loss of data
- Theft
- Hacking
- Failed hard drive
- Power failure
- Loss of internet

# To report or not to report?

## What?

- Data breaches must be reported if it is likely to impact on risk to people's rights and freedoms.

## How?

- The individual (to whom the data belongs) should be informed, then the breach must be reported to the ICO (by phone or by electronic form online).

## When?

- Within 72 hours

# Accuracy of data

- We must regularly check that the data we hold on individuals is accurate and up to date. Failure to do so can also result in a fine.

# The DPO role

## What?

- Data Protection Officer cannot be involved in determining the means and purpose of data. Must have knowledge of data protection law.

## Why?

- Is a legal requirement from May 25<sup>th</sup> 2018

## Duties?

To advise and support the school in managing their data correctly making sure that we fulfil our statutory duties. Will be the first point of contact.

**We are buying this service in from the Local Authority in combination with their cloud software to track data storage and use.**

# Subject Access Requests

- This means that any individual can request to see what data we have stored in school on them.
- We must comply within 1 month.
- There is no longer a fee for this.
- You must verify the person first!

**We will ask for the requests to be put in writing.**

# Implications for us

- What data do you keep?
- How are you protecting it?
  - storage
  - encryption
  - consideration of transportation (including reports, information for meetings, what about when a third party collects the child? Post.)
- Who has access to it? Should they have?
- What processes will we have in school for reporting data breaches?
- What data are you sharing? Should you be? (birthday parties)

**What consent do we need?**

**Questions?**

# Data mapping

Have a look at the data mapping completed so far- what can we add to it?